

**REMARKS**

Applicants submit this Amendment with Remarks along with a Request for Continued Examination.

At the outset, Applicants thank the Examiner for extending the courtesy of a telephone interview to Applicant's undersigned representative on July 19, 2006. In the interview, the language "in a fixed position" was discussed, along with the Glascott reference. No agreement was reached.


Applicants submit the amendments previously filed in response to the final Office Action, Applicants also amend independent claim 1 to delete the phrase "in a fixed position." This amendment should overcome the Examiner's rejection of claim 1 as being anticipated by Glascott. Applicants also amend claim 12 to clarify that the fastening element is configured to lock the spinal fixation element to the spinal anchor device when the fastening element is mated to the receiver member, as suggested by the Examiner. No new matter is added.

Applicants respectfully request entry of the amendments, and submit that these amendments, along with the arguments previously presented in response to the final Office Action, overcome the pending rejections and place the present application in condition for allowance.

Accordingly, all pending claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Date: July 19, 2006

Respectfully submitted,

  
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